



State of Wisconsin
1997 - 1998 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO 1997 SENATE BILL 211**

June 10, 1997 – Offered by COMMITTEE ON JUDICIARY, CAMPAIGN FINANCE REFORM
AND CONSUMER AFFAIRS.

1 **AN ACT to renumber and amend** 51.20 (13) (ct) 1., 51.20 (13) (ct) 2., 301.45 (1),
2 301.45 (7) (c) 1. and 2., 938.34 (15m) (a), 938.34 (15m) (b), 948.13 (2), 971.17
3 (1m) (b) 1., 971.17 (1m) (b) 2., 973.048 (1) and 973.048 (2); **to amend** 48.396 (2)
4 (f), 51.375 (1) (d), 301.132 (1) (c), 301.45 (2) (a) (intro.), 301.45 (2) (b), 301.45 (2)
5 (c), 301.45 (2) (d), 301.45 (2) (e) (intro.), 301.45 (3) (a) (intro.), 301.45 (3) (b) 1m.,
6 301.45 (3) (b) 2., 301.45 (3) (b) 3., 301.45 (3) (b) 3m., 301.45 (4m), 301.45 (5) (a)
7 (intro.), 301.45 (5) (b) (intro.), 301.45 (5) (b) 1., 301.45 (7) (c) (intro.), 301.46 (2m)
8 (a), 301.46 (2m) (am) and 938.396 (2) (em); and **to create** 51.20 (13) (ct) 3.,
9 301.45 (1d), 301.45 (1m), 301.45 (7) (c) 2m., 301.46 (2m) (at), 938.34 (15m) (c),
10 948.13 (2) (b), 971.17 (1m) (b) 3. and 973.048 (3) of the statutes; **relating to:**
11 exempting certain persons who have committed sex offenses from the sex
12 offender registration requirements.

***The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:***

1 **SECTION 1.** 48.396 (2) (f) of the statutes, as created by 1995 Wisconsin Act 440,
2 is amended to read:

3 48.396 **(2)** (f) Upon request of the department of corrections to review court
4 records for the purpose of obtaining information concerning a child required to
5 register under s. 301.45, the court shall open for inspection by authorized
6 representatives of the department of corrections the records of the court relating to
7 any child who has been found in need of protection or services for ~~an~~ a sex offense
8 specified in s. 301.45 ~~(1) (a)~~ (1d). The department of corrections may disclose
9 information that it obtains under this paragraph as provided under s. 301.46.

10 **SECTION 2.** 51.20 (13) (ct) 1. of the statutes, as created by 1995 Wisconsin Act
11 440, is renumbered 51.20 (13) (ct) 2m. and amended to read:

12 51.20 **(13)** (ct) 2m. If the subject individual is before the court on a petition filed
13 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a
14 violation, ~~or to have solicited, conspired or attempted to commit a violation, of s.~~
15 ~~940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,~~
16 ~~948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor~~
17 ~~and the subject individual was not the victim's parent~~ sex offense, as defined in s.
18 301.45 (1d), the court shall require the individual to comply with the reporting
19 requirements under s. 301.45 unless the court determines, after a hearing on a
20 motion made by the individual, that the individual is not required to comply under
21 s. 301.45 (1m), in which case subd. 3. applies.

22 **SECTION 3.** 51.20 (13) (ct) 2. of the statutes, as created by 1995 Wisconsin Act
23 440, is renumbered 51.20 (13) (ct) 1m. and amended to read:

24 51.20 **(13)** (ct) 1m. Except as provided in ~~subd. 1.~~ subds. 2m. and 3., if the
25 subject individual is before the court on a petition filed under a court order under s.

1 938.30 (5) (c) 1. and is found to have committed any violation, or to have solicited,
2 conspired or attempted to commit any violation, of ch. 940, 944 or 948 or ss. 943.01
3 to 943.15, the court may require the subject individual to comply with the reporting
4 requirements under s. 301.45 if the court determines that the underlying conduct
5 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest
6 of public protection to have the subject individual report under s. 301.45.

7 **SECTION 4.** 51.20 (13) (ct) 3. of the statutes is created to read:

8 51.20 (13) (ct) 3. If the court determines under subd. 2m. that the subject
9 individual is not required to comply with the reporting requirements under s. 301.45,
10 the court may order the subject individual to comply with the reporting requirements
11 if the court determines that it would be in the interest of public protection to have
12 the subject individual report under s. 301.45.

13 **SECTION 5.** 51.375 (1) (d) of the statutes, as affected by 1995 Wisconsin Act 440,
14 section 8, is amended to read:

15 51.375 (1) (d) "Sex offender" means a person committed to the department who
16 meets any of the criteria specified in s. 301.45 (~~1~~) (1g).

17 **SECTION 6.** 301.132 (1) (c) of the statutes, as affected by 1995 Wisconsin Act 440,
18 section 52, is amended to read:

19 301.132 (1) (c) "Sex offender" means a person in the custody of the department
20 who meets any of the criteria specified in s. 301.45 (~~1~~) (1g).

21 **SECTION 7.** 301.45 (1) of the statutes, as affected by 1995 Wisconsin Act 440,
22 is renumbered 301.45 (1g), and 301.45 (1g) (intro.), (a), (b), (bm), (c), (d), (dd), (dh) and
23 (e), as renumbered, are amended to read:

1 301.45 (1g) WHO IS COVERED. (intro.) ~~A~~ Except as provided in sub. (1m), a
2 person shall comply with the reporting requirements under this section if he or she
3 meets any of the following criteria:

4 (a) Is convicted, adjudicated delinquent or found in need of protection or
5 services on or after December 25, 1993, ~~for any violation, or for the solicitation,~~
6 ~~conspiracy or attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3),~~
7 ~~944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or~~
8 ~~948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the~~
9 ~~victim's parent~~ a sex offense.

10 (b) Is in prison, a secured correctional facility, as defined in s. 938.02 (15m), or
11 a secured child caring institution, as defined in s. 938.02 (15g), or on probation,
12 parole, supervision or aftercare supervision on or after December 25, 1993, ~~for any~~
13 ~~violation, for the solicitation, conspiracy or attempt to commit any violation, of s.~~
14 ~~940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,~~
15 ~~948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was~~
16 ~~a minor and the person was not the victim's parent~~ a sex offense.

17 (bm) Is in prison, a secured correctional facility, as defined in s. 938.02 (15m),
18 or a secured child caring institution, as defined in s. 938.02 (15g), or on probation,
19 parole, supervision or aftercare supervision on or after December 25, 1993, for a
20 violation, ~~or for the solicitation, conspiracy or attempt to commit a violation, of a law~~
21 ~~of this state that is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02~~
22 ~~(1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that~~
23 ~~is comparable to a violation of s. 940.30 or 940.31 if the victim was a minor and the~~
24 ~~person was not the victim's parent~~ a sex offense.

1 (c) Is found not guilty or not responsible by reason of mental disease or defect
2 on or after December 25, 1993, and committed under s. 51.20 or 971.17 for any
3 violation, or for the solicitation, conspiracy or attempt to commit any violation, of s.
4 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
5 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was
6 a minor and the person was not the victim's parent a sex offense.

7 (d) Is in institutional care or on conditional transfer under s. 51.35 (1) or
8 conditional release under s. 971.17 on or after December 25, 1993, for any violation,
9 or for the solicitation, conspiracy or attempt to commit any violation, of s. 940.22 (2),
10 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,
11 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor
12 and the person was not the victim's parent a sex offense.

13 (dd) Is in institutional care or on conditional transfer under s. 51.35 (1) or
14 conditional release under s. 971.17 on or after December 25, 1993, for a violation, or
15 for the solicitation, conspiracy or attempt to commit a violation, of a law of this state
16 that is comparable to s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2),
17 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is
18 comparable to a violation of s. 940.30 or 940.31 if the victim was a minor and the
19 person was not the victim's parent a sex offense.

20 (dh) Is on parole or probation in this state from another state under s. 304.13
21 or 304.135 on or after December 25, 1993, for a violation, or for the solicitation,
22 conspiracy or attempt to commit a violation, of the law of another state that is
23 comparable to a violation of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or
24 (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30 or that is

1 ~~comparable to a violation of s. 940.30 or 940.31 if the victim was a minor and the~~
2 ~~person was not the victim's parent sex offense.~~

3 (e) Is ordered by a court under sub. (1m) (d) or s. 51.20 (13) (ct) 1m. or 3., 938.34
4 (15m) (am) or (c), 971.17 (1m) (b) 2. 1m. or 3. or 973.048 (1m) or (3) to comply with
5 the reporting requirements under this section.

6 **SECTION 8.** 301.45 (1d) of the statutes is created to read:

7 301.45 (1d) DEFINITION. In this section, "sex offense" means any of the
8 following:

9 (a) A violation, or the solicitation, conspiracy or attempt to commit any
10 violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025,
11 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30.

12 (b) A violation, or the solicitation, conspiracy or attempt to commit any
13 violation, of s. 940.30 or 940.31 if the victim was a minor and the person was not the
14 victim's parent.

15 **SECTION 9.** 301.45 (1m) of the statutes is created to read:

16 301.45 (1m) EXCEPTION TO REGISTRATION REQUIREMENT. (b) A person is not
17 required to comply with the reporting requirements under this section if any of the
18 following applies:

19 1. A court determines that all of the following apply:

20 a. The person meets any of the criteria under sub. (1g) (a) to (dh) based on any
21 violation, or on the solicitation, conspiracy or attempt to commit any violation, of s.
22 948.02 (1) or (2) or 948.025 or of a law of another state that is comparable to s. 948.02
23 (1) or (2) or 948.025.

24 b. At the time of the violation, or of the solicitation, conspiracy or attempt to
25 commit the violation, of s. 948.02 (1) or (2) or 948.025 or of a law of another state that

1 is comparable to s. 948.02 (1) or (2) or 948.025, the person had attained the age of 17
2 but was not more than 4 years older or not more than 4 years younger than the child
3 with whom the person had sexual contact or sexual intercourse.

4 2. The person meets any of the criteria under sub. (1g) (a) to (dh) and a court
5 determines that at the time the person committed the sex offense the person had
6 attained the age of 14 but had not attained the age of 17 but was not more than 4
7 years older or not more than 4 years younger than the victim of the sex offense.

8 3. The person meets any of the criteria under sub. (1g) (a) to (dh) and a court
9 determines that the person had not attained the age of 13 at the time the person
10 committed the sex offense.

11 (c) If a person who is complying with the reporting requirements under this
12 section believes that he or she is not required under par. (b) to comply with the
13 reporting requirements and the person has not been ordered under s. 51.20 (13) (ct),
14 938.34 (15m), 971.17 (1m) (b) or 973.048 to comply with the reporting requirements,
15 the person may move a court to make the determination of whether par. (b) applies
16 to the person. A motion made under this paragraph shall be filed with the circuit
17 court for the county in which the person was convicted, adjudicated delinquent,
18 found in need of protection or services or found not guilty or not responsible by reason
19 of mental disease or defect, except that if the person meets the criteria of sub. (1) (dh)
20 the person shall file the motion in the circuit court for the county in which he or she
21 resides. A court shall hold a hearing on a motion made by a person under this
22 paragraph. A person may make only one motion under this paragraph.

23 (d) Notwithstanding par. (b), if a court determines after a hearing under par.
24 (c) that the person is not required to comply with the reporting requirements under
25 this section, the court may order the person to comply with the reporting

1 requirements if the court determines that it would be in the interest of public
2 protection to have the person report under this section.

3 **SECTION 10.** 301.45 (2) (a) (intro.) of the statutes, as created by 1995 Wisconsin
4 Act 440, is amended to read:

5 301.45 (2) (a) (intro.) The department shall maintain a registry of all persons
6 subject to sub. ~~(1)~~ (1g). The registry shall contain all of the following with respect to
7 each person:

8 **SECTION 11.** 301.45 (2) (b) of the statutes, as created by 1995 Wisconsin Act 440,
9 is amended to read:

10 301.45 (2) (b) If the department has supervision over a person subject to sub.
11 ~~(1)~~ (1g), the department shall enter into the registry under this section the
12 information specified in par. (a) concerning the person.

13 **SECTION 12.** 301.45 (2) (c) of the statutes, as affected by 1995 Wisconsin Act 440,
14 is amended to read:

15 301.45 (2) (c) If the department of health and family services has supervision
16 over a person subject to sub. ~~(1)~~ (1g), that department, with the assistance of the
17 person, shall provide the information specified in par. (a) to the department of
18 corrections in accordance with the rules under sub. (8).

19 **SECTION 13.** 301.45 (2) (d) of the statutes, as created by 1995 Wisconsin Act 440,
20 is amended to read:

21 301.45 (2) (d) A person subject to sub. ~~(1)~~ (1g) who is not under the supervision
22 of the department of corrections or the department of health and family services shall
23 provide the information specified in par. (a) to the department of corrections in
24 accordance with the rules under sub. (8). If the person is unable to provide an item
25 of information specified in par. (a), the department of corrections may request

1 assistance from a circuit court or the department of health and family services in
2 obtaining that item of information. A circuit court and the department of health and
3 family services shall assist the department of corrections when requested to do so
4 under this paragraph.

5 **SECTION 14.** 301.45 (2) (e) (intro.) of the statutes, as created by 1995 Wisconsin
6 Act 440, is amended to read:

7 301.45 (2) (e) (intro.) The department of health and family services shall
8 provide the information required under par. (c) or the person subject to sub. (1) (1g)
9 shall provide the information required under par. (d) in accordance with whichever
10 of the following is applicable:

11 **SECTION 15.** 301.45 (3) (a) (intro.) of the statutes, as affected by 1995 Wisconsin
12 Act 440, is amended to read:

13 301.45 (3) (a) (intro.) A person covered under sub. (1) (1g) is subject to the
14 annual registration requirements under par. (b) as follows:

15 **SECTION 16.** 301.45 (3) (b) 1m. of the statutes, as created by 1995 Wisconsin Act
16 440, is amended to read:

17 301.45 (3) (b) 1m. A person who is subject to par. (a) because he or she is covered
18 under sub. (1) (1g) (dt) shall notify the department once each 90 days, as directed by
19 the department, of his or her current information specified in sub. (2) (a). Every 90
20 days, the department shall notify registrants subject to this subdivision of their need
21 to comply with this requirement.

22 **SECTION 17.** 301.45 (3) (b) 2. of the statutes, as created by 1995 Wisconsin Act
23 440, is amended to read:

24 301.45 (3) (b) 2. The department shall notify a person who is being released
25 from prison because he or she has reached the expiration date of his or her sentence

1 and who is covered under sub. ~~(1)~~ (1g) of the need to comply with this section. Also,
2 probation and parole agents, aftercare agents and agencies providing supervision
3 shall notify any client who is covered under sub. ~~(1)~~ (1g) of the need to comply with
4 this section at the time the client is placed on probation, parole, supervision or
5 aftercare supervision or, if the client is on probation or parole from another state
6 under s. 304.13 or 304.135, when the client enters this state.

7 **SECTION 18.** 301.45 (3) (b) 3. of the statutes, as created by 1995 Wisconsin Act
8 440, is amended to read:

9 301.45 **(3)** (b) 3. The department of health and family services shall notify a
10 person who is being placed on conditional release, conditional transfer or parole, or
11 is being terminated or discharged from a commitment, under s. 51.20, 51.35 or
12 971.17 or ch. 975 or 980 and who is covered under sub. ~~(1)~~ (1g) of the need to comply
13 with this section.

14 **SECTION 19.** 301.45 (3) (b) 3m. of the statutes, as created by 1995 Wisconsin Act
15 440, is amended to read:

16 301.45 **(3)** (b) 3m. After notifying a person under subd. 2. or 3. of the need to
17 comply with this section, the person who is providing the notification shall require
18 the person who is covered under sub. ~~(1)~~ (1g) to read and sign a form stating that he
19 or she has been informed of the requirements of this section.

20 **SECTION 20.** 301.45 (4m) of the statutes, as created by 1995 Wisconsin Act 440,
21 is amended to read:

22 301.45 **(4m)** INFORMATION CONCERNING A MOVE TO ANOTHER STATE. In addition to
23 the requirements under subs. (3) and (4), a person who is covered under sub. ~~(1)~~ (1g)
24 and who is changing his or her residence from this state to another state shall, no
25 later than 10 days before he or she moves out of this state, notify the department that

1 he or she is changing his or her residence from this state and inform the department
2 of the state to which he or she is moving his or her residence. Upon receiving
3 notification from a person under this subsection, the department shall inform the
4 person whether the state to which the person is moving has sex offender registration
5 requirements to which the person may be subject and, if so, the name of the agency
6 to contact in that state for information concerning those requirements.

7 **SECTION 21.** 301.45 (5) (a) (intro.) of the statutes, as affected by 1995 Wisconsin
8 Act 440, is amended to read:

9 301.45 (5) (a) (intro.) Except as provided in par. (b), a person who is covered
10 under sub. (1) (1g) no longer has to comply with this section when the following
11 applicable criterion is met:

12 **SECTION 22.** 301.45 (5) (b) (intro.) of the statutes, as created by 1995 Wisconsin
13 Act 440, is amended to read:

14 301.45 (5) (b) (intro.) A person who is covered under sub. (1) (1g) shall continue
15 to comply with the requirements of this section until his or her death if any of the
16 following ~~apply~~ applies:

17 **SECTION 23.** 301.45 (5) (b) 1. of the statutes, as created by 1995 Wisconsin Act
18 440, is amended to read:

19 301.45 (5) (b) 1. The person has, on 2 or more separate occasions, been convicted
20 or found not guilty or not responsible by reason of mental disease or defect for any
21 violation, or for the solicitation, conspiracy or attempt to commit any violation, of s.
22 ~~940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,~~
23 ~~948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was~~
24 ~~a minor and the person was not the victim's parent~~ a sex offense, or for any violation,
25 ~~or for the solicitation, conspiracy or attempt to commit any violation, of a law of this~~

1 state or any other state that is comparable to a violation of ~~s. 940.22 (2), 940.225 (1),~~
2 ~~(2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08,~~
3 ~~948.11 or 948.30~~ or that is comparable to a violation of s. 940.30 or 940.31 if the victim
4 was a minor and the person was not the victim's parent sex offense. A conviction that
5 has been reversed, set aside or vacated is not a conviction for purposes of determining
6 under this subdivision whether a person has been convicted on 2 or more separate
7 occasions.

8 **SECTION 24.** 301.45 (7) (c) (intro.) of the statutes, as affected by 1995 Wisconsin
9 Act 440, is amended to read:

10 301.45 (7) (c) (intro.) A person about whom information is maintained in the
11 registry under sub. (2) may request expungement of all pertinent information in the
12 registry on if any of the grounds that his or her following applies:

13 1m. The person's conviction, delinquency adjudication, finding of need of
14 protection or services or commitment has been reversed, set aside or vacated.

15 (d) The department shall purge all of that the information maintained in the
16 registry under sub. (2) concerning a person to whom par. (c) applies if the department
17 receives all of the following:

18 **SECTION 25.** 301.45 (7) (c) 1. and 2. of the statutes, as affected by 1995
19 Wisconsin Act 440, are renumbered 301.45 (7) (d) 1. and 2., and 301.45 (7) (d) 2., as
20 renumbered, is amended to read:

21 301.45 (7) (d) 2. A certified copy of the court order reversing, setting aside or
22 vacating the conviction, delinquency adjudication, finding of need of protection or
23 services or commitment or a certified copy of the court's determination under sub.
24 (1m) (c).

25 **SECTION 26.** 301.45 (7) (c) 2m. of the statutes is created to read:

1 301.45 (7) (c) 2m. A court has determined under sub. (1m) (c) that the person
2 is not required to comply with the reporting requirements under this section and the
3 court has not ordered the person to comply with the reporting requirements under
4 sub. (1m) (d).

5 **SECTION 27.** 301.46 (2m) (a) of the statutes, as created by 1995 Wisconsin Act
6 440, is amended to read:

7 301.46 (2m) (a) If an agency with jurisdiction confines a person under s.
8 301.046, provides a person entering the intensive sanctions program under s.
9 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases
10 a person from confinement or institutional care, and the person has, on one occasion
11 only, been convicted or found not guilty or not responsible by reason of mental disease
12 or defect for ~~any violation, or for the solicitation, conspiracy or attempt to commit any~~
13 ~~violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025,~~
14 ~~948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if~~
15 ~~the victim was a minor and the person was not the victim's parent~~ a sex offense, as
16 defined in s. 301.45 (1d), or a law of this state that is comparable to s. ~~940.22 (2),~~
17 ~~940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,~~
18 ~~948.07, 948.08, 948.11 or 948.30, or that is comparable to s. 940.30 or 940.31 if the~~
19 ~~victim was a minor and the person was not the victim's parent~~ a sex offense, as
20 defined in s. 301.45 (1d), the agency with jurisdiction may notify the police chief of
21 any community and the sheriff of any county in which the person will be residing,
22 employed or attending school if the agency with jurisdiction determines that such
23 notification is necessary to protect the public. Notification under this paragraph may
24 be in addition to providing access to information under sub. (2) or to any other
25 notification that an agency with jurisdiction is authorized to provide.

1 **SECTION 28.** 301.46 (2m) (am) of the statutes, as created by 1995 Wisconsin Act
2 440, is amended to read:

3 301.46 **(2m)** (am) If an agency with jurisdiction confines a person under s.
4 301.046, provides a person entering the intensive sanctions program under s.
5 301.048 with a sanction other than a placement in a Type 1 prison or a jail, or releases
6 a person from confinement or institutional care, and the person has been found to be
7 a sexually violent person under ch. 980 or has, on 2 or more separate occasions, been
8 convicted or found not guilty or not responsible by reason of mental disease or defect
9 for any violation, or for the solicitation, conspiracy or attempt to commit any
10 violation, of s. ~~940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025,~~
11 ~~948.05, 948.055, 948.06, 948.07, 948.08 or 948.11~~ a sex offense, as defined in s. 301.45
12 (1d), or a law of this state that is comparable to s. ~~940.22 (2), 940.225 (1), (2) or (3),~~
13 ~~944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08 or 948.11~~
14 a sex offense, as defined in s. 301.45 (1d), the agency with jurisdiction shall notify the
15 police chief of any community and the sheriff of any county in which the person will
16 be residing, employed or attending school. Notification under this paragraph shall
17 be in addition to providing access to information under sub. (2) and to any other
18 notification that an agency with jurisdiction is authorized to provide.

19 **SECTION 29.** 301.46 (2m) (at) of the statutes is created to read:

20 301.46 **(2m)** (at) Paragraphs (a) and (am) do not apply to a person to whom s.
21 301.45 (1m) (b) applies unless the person is required to comply with the reporting
22 requirements under s. 301.45 by a court acting under s. 51.20 (13) (ct) 3., 301.45 (1m)
23 (d), 938.34 (15m) (c), 971.17 (1m) (b) 3. or 973.048 (3).

24 **SECTION 30.** 938.34 (15m) (a) of the statutes, as created by 1995 Wisconsin Act
25 440, is renumbered 938.34 (15m) (bm) and amended to read:

1 938.34 (15m) (bm) If the child juvenile is adjudicated delinquent on the basis
2 of a violation, or the solicitation, conspiracy or attempt to commit a violation, of s.
3 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,
4 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was a minor
5 and the child juvenile was not the victim's parent, the court shall require the person
6 juvenile to comply with the reporting requirements under s. 301.45 if the court
7 determines, after a hearing on a motion made by the juvenile, that the juvenile is not
8 required to comply under s. 301.45 (1m), in which case par. (c) applies.

9 **SECTION 31.** 938.34 (15m) (b) of the statutes, as created by 1995 Wisconsin Act
10 440, is renumbered 938.34 (15m) (am) and amended to read:

11 938.34 (15m) (am) Except as provided in ~~par. (a)~~ pars. (bm) and (c), if the child
12 juvenile is adjudicated delinquent on the basis of any violation, or the solicitation,
13 conspiracy or attempt to commit any violation, under ch. 940, 944 or 948 or ss. 943.01
14 to 943.15, the court may require the child juvenile to comply with the reporting
15 requirements under s. 301.45 if the court determines that the underlying conduct
16 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest
17 of public protection to have the child juvenile report under s. 301.45.

18 **SECTION 32.** 938.34 (15m) (c) of the statutes is created to read:

19 938.34 (15m) (c) If the court determines under par. (bm) that the juvenile is not
20 required to comply with the reporting requirements under s. 301.45, the court may
21 order the juvenile to comply with the reporting requirements if the court determines
22 that it would be in the interest of public protection to have the juvenile report under
23 s.301.45.

24 **SECTION 33.** 938.396 (2) (em) of the statutes, as created by 1995 Wisconsin Act
25 440, is amended to read:

1 938.396 (2) (em) Upon request of the department to review court records for the
2 purpose of obtaining information concerning a child required to register under s.
3 301.45, the court shall open for inspection by authorized representatives of the
4 department the records of the court relating to any child who has been adjudicated
5 delinquent or found not responsible by reason of mental disease or defect for ~~an~~ a sex
6 offense specified in s. 301.45 (1) (a) (1d). The department may disclose information
7 that it obtains under this paragraph as provided under s. 301.46.

8 **SECTION 34.** 948.13 (2) of the statutes is renumbered 948.13 (2) (a) and
9 amended to read:

10 948.13 (2) (a) ~~Whoever~~ Except as provided in par. (b), whoever has been
11 convicted of a serious child sex offense and subsequently engages in an occupation
12 or participates in a volunteer position that requires him or her to work or interact
13 primarily and directly with children under 16 years of age is guilty of a Class C
14 felony.

15 **SECTION 35.** 948.13 (2) (b) of the statutes is created to read:

16 948.13 (2) (b) Paragraph (a) does not apply to a person who has been convicted
17 of a serious child sex offense if s. 301.45 (1m) (b) applies to the person, unless the
18 person is required to comply with the reporting requirements under s. 301.45 by a
19 court acting under s. 301.45 (1m) (d) or 973.048 (3).

20 **SECTION 36.** 971.17 (1m) (b) 1. of the statutes, as created by 1995 Wisconsin Act
21 440, is renumbered 971.17 (1m) (b) 2m. and amended to read:

22 971.17 (1m) (b) 2m. If the defendant under sub. (1) is found not guilty by reason
23 of mental disease or defect for a violation, or for the solicitation, conspiracy or
24 attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02
25 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s.

1 940.30 or 940.31 if the victim was a minor and the defendant was not the victim's
2 parent, the court shall require the defendant to comply with the reporting
3 requirements under s. 301.45 unless the court determines, after a hearing on a
4 motion made by the defendant, that the defendant is not required to comply under
5 s. 301.45 (1m), in which case subd. 3. applies.

6 **SECTION 37.** 971.17 (1m) (b) 2. of the statutes, as created by 1995 Wisconsin Act
7 440, is renumbered 971.17 (1m) (b) 1m. and amended to read:

8 971.17 **(1m)** (b) 1m. Except as provided in ~~subd. 1.~~ subds. 2m. and 3., if the
9 defendant under sub. (1) is found not guilty by reason of mental disease or defect for
10 any violation, or for the solicitation, conspiracy or attempt to commit any violation,
11 of ch. 940, 944 or 948 or ss. 943.01 to 943.15, the court may require the defendant to
12 comply with the reporting requirements under s. 301.45 if the court determines that
13 the underlying conduct was sexually motivated, as defined in s. 980.01 (5), and that
14 it would be in the interest of public protection to have the defendant report under s.
15 301.45.

16 **SECTION 38.** 971.17 (1m) (b) 3. of the statutes is created to read:

17 971.17 **(1m)** (b) 3. If the court determines under subd. 2m. that the defendant
18 is not required to comply with the reporting requirements under s. 301.45, the court
19 may order the defendant to comply with the reporting requirements if the court
20 determines that it would be in the interest of public protection to have the defendant
21 report under s. 301.45.

22 **SECTION 39.** 973.048 (1) of the statutes, as created by 1995 Wisconsin Act 440,
23 is renumbered 973.048 (2m) and amended to read:

24 973.048 **(2m)** If a court imposes a sentence or places a person on probation for
25 a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s.

1 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,
2 948.06, 948.07, 948.08, 948.11 or 948.30, or of s. 940.30 or 940.31 if the victim was
3 a minor and the person was not the victim's parent, the court shall require the person
4 to comply with the reporting requirements under s. 301.45 unless the court
5 determines, after a hearing on a motion made by the person, that the person is not
6 required to comply under s. 301.45 (1m), in which case sub. (3) applies.

7 **SECTION 40.** 973.048 (2) of the statutes, as created by 1995 Wisconsin Act 440,
8 is renumbered 973.048 (1m) and amended to read:

9 973.048 **(1m)** Except as provided in sub. ~~(1)~~ subs. (2m) and (3), if a court
10 imposes a sentence or places a person on probation for any violation, or for the
11 solicitation, conspiracy or attempt to commit any violation, under ch. 940, 944 or 948
12 or ss. 943.01 to 943.15, the court may require the person to comply with the reporting
13 requirements under s. 301.45 if the court determines that the underlying conduct
14 was sexually motivated, as defined in s. 980.01 (5), and that it would be in the interest
15 of public protection to have the person report under s. 301.45.

16 **SECTION 41.** 973.048 (3) of the statutes is created to read:

17 973.048 **(3)** If the court determines under sub. (2m) that the person is not
18 required to comply with the reporting requirements under s. 301.45, the court may
19 order the person to comply with the reporting requirements if the court determines
20 that it would be in the interest of public protection to have the person report under
21 s. 301.45.

22 (END)